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JUN 22 1992

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Part 61 of the  
Commission's Rules to Require  
Quality of Service Standards in  
Local Exchange Carrier Tariffs

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RM-7967  
AAD 92-39

ORIGINAL  
FILE

OPPOSITION OF THE AMERITECH OPERATING COMPANIES

The Ameritech Operating Companies<sup>1</sup> (the "Companies") hereby oppose the petition for rulemaking recently filed by the International Communications Association and the Consumer Federation of America (hereafter jointly referred to as "ICA/CFA" or "Petitioners"). ICA/CFA request the Commission to institute a rulemaking proceeding specifically to require that service quality standards be included in local exchange carrier ("LEC") tariffs for dedicated digital and switched analog services. However, in the case of the Companies' interstate access service offerings, quality standards are clearly articulated by tariff references to specific technical publications. Incorporating detailed specifications verbatim into tariffs is an unnecessarily burdensome and duplicative effort. Sophisticated customers with specialized needs for information concerning technical standards of the Companies' services have all the information they need in the technical publications themselves. Moreover, the Commission has already concluded that requiring the inclusion of service quality standards in tariffs "is not

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<sup>1</sup> The Ameritech Operating Companies are: Illinois Bell Telephone Company, Indiana Bell Telephone, Incorporated, Michigan Bell Telephone Company, The Ohio Bell Telephone Company, and Wisconsin Bell, Inc.

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warranted,"<sup>2</sup> and Petitioners make no case for the Commission to reverse its position. The Commission should deny ICA/CFA's petition.

ICA/CFA ask the Commission specifically to require that LECs include, in their tariffs, standards on availability and bit error rate (or some alternative for bit error rate such as error-free seconds) for dedicated digital services.<sup>3</sup> The Companies' tariff, however, contains all the information needed by the sophisticated users (such as ICA's members) of such services.

Included as Attachment A is a copy of Section 7.2 of the Companies' Tariff F.C.C. No. 2 showing the technical references containing the specific transmission standards for the Companies' special access services. These documents are available to the customers of these services. Requiring the duplication of all the material contained in those technical publications into the tariffs would be unnecessarily burdensome with little, if any, corresponding benefit.<sup>4</sup>

With respect to circuit availability, Section 2.1.1 of the Companies' Tariff F.C.C. No. 2 notes specifically that services are provided twenty-four hours daily, seven days per week.<sup>5</sup> Thus, the Companies' standard is one-

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<sup>2</sup> In the Matter of Policy and Rules Concerning Rates for Dominant Carriers, CC Docket No. 87-313, Memorandum Opinion and Order, DA 91-619, (released May 17, 1991) at para. 44 and Attachment B, Section I.B.1. See also, In the Matter of Policy and Rules Concerning Rates for Dominant Carriers, CC Docket No. 87-313, Second Report and Order, FCC 90-314 (at paras. 358-360) and Order on Reconsideration, FCC 91-115 (at paras. 191-192).

<sup>3</sup> Petition at 11-13.

<sup>4</sup> The Companies are not aware of any customers, for whom the information is important, having any difficulty obtaining copies of those publications. If a widespread problem of that nature develops, the Companies would voluntarily consider maintaining copies of those publications available for public inspection along with their tariffs.

<sup>5</sup> See Attachment B.

hundred percent availability. If service is interrupted, the Companies' tariff provides a remedy.<sup>6</sup>

For switched services, ICA/CFA ask the Commission to consider requiring the inclusion of specific analog transmission quality parameters into the tariffs, such as signal loss, C-message noise, and C-notch noise. Obviously, such standards would provide no useful information whatever to the vast majority of residential users of switched services. For customers with more sophisticated telecommunications needs who use switched services for low speed data transmission, such standards are already specified in the Companies' tariff by reference to Technical Reference TR-NPL-000334.<sup>7</sup> ICA/CFA admit that these standards exist and are uniform throughout the industry.<sup>8</sup> ICA/CFA do not claim that these standards are unavailable. Instead, ICA/CFA insist on a process that would involve unnecessary duplication which would provide little, if any, incremental benefit to the business users who might find this information helpful.

With respect to switching standards, ICA/CFA maintain that residential consumers have a critical interest in standards relating to the completion of their calls "in an expeditious manner."<sup>9</sup> ICA/CFA have specifically asked the Commission to consider including standards regarding call completion and post-dial delay into tariffs. However, including such standards as part of access tariffs would be somewhat problematic and be of

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<sup>6</sup> See Section 2.4.4 of the Companies' Tariff F.C.C. No. 2.

<sup>7</sup> See Section 6.2.

<sup>8</sup> Petition at 13.

<sup>9</sup> Petition at 14.

questionable value to end-user residential consumers. Obviously, the calls that these consumers place which utilize the LEC's interstate switched services will be interstate calls involving, in all likelihood, at least three carriers. Call completion statistics for such calls would be difficult to develop and, even then, would provide little information to a consumer trying to assess where a problem is. What is more, the residential customer is usually quite aware of when there is a problem with dial tone availability or post-dial delay and, in those cases, can raise the issue with the carrier or even the state public service commission. Moreover, in that regard, many state commissions have programs that actively monitor LEC service quality, including noise, dial-tone availability, and post-dial call set-up time. There is no evidence that consumers' needs are not being adequately served by these efforts.

ICA/CFA's proposal is clearly flawed. Petitioners claim that tariffing standards will provide users with "an early warning system of circuit deterioration and possible failures," that it will "help users identify service quality problems" and that it will "provide a user with the means to insure that the LEC continues to provide the same quality of service."<sup>10</sup> This position, however, is based on two faulty assumptions.

First, it assumes that the standards are not known today. As noted above, service standards are clearly defined by tariff reference to specific technical publications. These documents are certainly accessible to customers that need them.

The second faulty assumption, however, is that transcribing standards into the tariff is necessary for the customer to determine when something is

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<sup>10</sup> Petition at 3, 4, 11.

wrong. When the error level on a data circuit reaches an unacceptable level, sophisticated telecommunications customers will know it regardless of what the defined standard is. These customers, of course, will not be reluctant to complain to the carrier, nor should they be. Certainly, Petitioners have presented no evidence the quality of carrier services has deteriorated dramatically or that carriers have not been responding satisfactorily to any complaints that have, in fact, been made.

Petitioners argue that when customers are aware of standards, carriers will be provided with an incentive to prevent service problems from arising. Again, those customers with sophisticated telecommunications needs are already well aware of the Companies' service standards. Moreover, competition in the provision of access services already presents a substantial incentive for developing and maintaining the highest possible quality of service. Carriers cannot survive in a competitive market by slighting areas with less competition in favor of those areas where the competition is greater because a carrier's reputation as a poor quality service provider will transcend service area boundaries and follow it wherever it goes in the competitive marketplace. Quite simply, a carrier cannot afford to provide any customer with poor quality service in today's competitive environment. No additional incentive is needed.

Further, Petitioners provide little by way of explanation as to how the inclusion of already-known standards in the tariffs themselves would reduce the likelihood of having to resort to the complaint process which they claim is ill-suited for resolving service quality disputes.

Petitioners have mischaracterized LEC tariffs as contracts of adhesion -- non-negotiable with essential terms and conditions missing. First of all, in proceedings before this Commission, many parties have taken the position

that it would be a violation of the Communications Act for carriers to offer services on anything but a non-negotiable basis. Second, and it bears repeating, service quality terms are specified in the tariff by reference to discrete technical publications. Third, the quality standards for LEC tariffed services, which must apply to all LEC customers regardless of the type or age of the serving technology, presents a situation completely different from a virtually unregulated business that has unlimited discretion to negotiate customer-specific arrangements as to service quality and price its services accordingly.

Finally, as noted above, the Commission has previously concluded that requiring that service quality standards be spelled out in tariffs is inadvisable because of the resulting administrative burden and because the potential benefits are achievable in other ways. Petitioners make only conclusory statements contesting these findings that provide no justification for the Commission to change its position.

In summary, Petitioners have failed to show that essential quality standards for LEC services are not available to the sophisticated customers to whom such standards are important. Moreover, they have not shown how consumers generally would be benefitted by including those standards word

for word in carrier tariffs. In other words, they have not shown that any substantial benefit would be realized by their proposal that would offset the administrative burden and tariff clutter that it would cause.

In light of the foregoing, the petition should be dismissed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael S. Pabian", is written over a horizontal line.

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Dated: June 22, 1992

## ACCESS SERVICE

7. Special Access Service (Cont'd)  
7.2 Service Descriptions (Cont'd)

The Telephone Company will maintain existing transmission specifications on services installed prior to the effective date of this tariff, except that the existing services with performance specifications exceeding the standard listed in this provision will be maintained at the performance levels specified in this tariff. All services installed after the effective date of this tariff will conform to the transmission specification or standards contained in this tariff or in the following Technical References for each category of service:

Metallic	TR-NPL-000336
Telegraph Grade	TR-NPL-000336
Direct Analog Service	*TR-NPL-000335
	*PUB 41004, Table 4
Dedicated Access Line	TR-NPL-000334
Program Audio	TR-NPL-000337
Video	TR-NPL-000338
Wideband Analog**	TR-NPL-000339
Wideband Data**	TR-NPL-000340
Direct Digital Service	TR-NPL-000341
	*PUB 62310
Secondary Channel	*TR-NPL-000157
OPTINET Base Rate Service	*TR-NPL-000341
	AM-TR-NPL-000070
	AM-TR-NPL-000005
DAL	
Digital Service	
Interface	
Specifications	AM-TR-NPL-000007
Secondary Channel	*TR-NPL-000157
OPTINET DS1 Service	TR-INS-000342
	*PUB 62411
	TR-TSY-000194
	TR-INS-000342
Clear Channel Capability	*TR-NPL-000054
OPTINET DS3 Service	TR-INS-000342
Optical Interface	AM-TR-TMO-000072
OPTINET Integrated	AM-TR-TMO-000093
Communications Service	TR-NPL-000335
ICS Analog	*PUB 41004, Table 4
ICS Digital	*TR-NPL-000341
	AM-TR-NPL-000070

\* In these publications, Direct Analog Service is referred to as Voice Grade Service, Direct Digital Service, OPTINET Base Rate Service and OPTINET ICS Digital Service as Digital Data Service, and OPTINET DS1 Service and OPTINET DS3 Service as High Capacity Service.

\*\* Wideband Analog and Wideband Data Services are limited to circuits in place as of August 11, 1988.

x Issued under authority of Special Permission No. 92-286.

Issued: April 29, 1992  
TR621

Effective: June 13, 1992

Assistant Vice President, 4F08  
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## ACCESS SERVICE

**2. General Regulations****2.1 Undertaking of the Telephone Company****2.1.1 Scope**

- (A) The Telephone Company does not undertake to transmit messages under this tariff.
- (B) The Telephone Company shall be responsible only for the installation, operation and maintenance of the services which it provides.
- (C) The Telephone Company will, for maintenance purposes, test its services only to the extent necessary to detect and/or clear troubles.
- (D) Services are provided 24 hours daily, seven days per week, except as set forth in other applicable sections of this tariff.
- (E) The Telephone Company does not warrant that its facilities and services meet standards other than those set forth in this tariff.

**2.1.2 Limitations**

- (A) The customer may not assign or transfer the use of services provided under this tariff; however, where there is no interruption of use or relocation of the services, such assignment or transfer may be made to:
  - (1) another customer, whether an individual, partnership, association or corporation, provided the assignee or transferee assumes all outstanding indebtedness for such services, and the unexpired portion of the minimum period and the termination liability applicable to such services, if any; or
  - (2) a court appointed receiver, trustee or other person acting pursuant to law in bankruptcy, receivership, reorganization, insolvency, liquidation or other similar proceedings, provided the assignee or transferee assumes the unexpired portion of the minimum period and the termination liability applicable to such services, if any.

In all cases of assignment or transfer, the written acknowledgment of the Telephone Company is required prior to such assignment or transfer which acknowledgment shall be made within 15 days from the receipt of notification. All regulations and conditions contained in this tariff shall apply to such assignee or transferee.

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Issued: June 20, 1986

Effective: July 25, 1986

Assistant Vice President  
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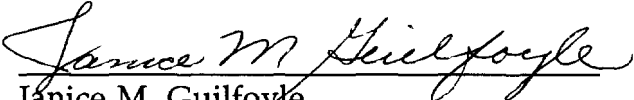
CERTIFICATE OF SERVICE

I, Janice M. Guilfoyle, do hereby certify that a copy of the foregoing Opposition of the Ameritech Operating Companies has been served on the following by first class mail, postage prepaid:

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Date: June 22, 1992

  
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